

IN THE UNITED STATES DISTRICT COURT
STATE OF NORTH DAKOTA
EASTERN DIVISION

Central Plains Ag Services LLC, Plaintiff, -VS- Nationwide Agribusiness Insurance Company, Defendant.	Case No. NOTICE OF REMOVAL
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To: Clerk of United States District Court, Federal Courthouse, Fargo, North Dakota; Plaintiff Central Plains Ag Services LLC and its attorney of record, Steven F. Lamb, Vogel Law Firm, 218 Northern Pacific Ave, Fargo, ND 58102:

[1] PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446, Defendant Nationwide Agribusiness Insurance Company (“Nationwide”), hereby files this Notice of Removal and removes this action from the District Court for Griggs County, North Dakota, to the United States District Court for the District of North Dakota, Eastern Division, on the grounds that there is jurisdiction in this Court pursuant to 28 U.S.C. § 1332(a). The ground for removal are as follows:

- A. On or about September 14, 2018, Plaintiff Central Plains Ag Services, LLC (“Central Plains”), served on the North Dakota Department of Insurance a Summons and Complaint, styled Central Plains Ag Services, LLC v. Nationwide Agribusiness Insurance Company. A true and correct copy of the Summons and Complaint is attached hereto as Exhibit A.

- B. On or about September 14, 2018, the North Dakota Department of Insurance sent via certified mail a copy of the Summons and Complaint to Nationwide's registered agent in North Dakota, Corporation Service Company ("CSC"). On or about September 17, 2018, CSC received a copy of the Summons and Complaint from the North Dakota Department of Insurance. A true and correct copy of the Notice of Service of Process is attached hereto as Exhibit B.
- C. The Complaint alleges, among other things, that Nationwide failed to pay a covered loss under an insurance policy issued by Nationwide in an amount exceeding \$1,300,000. Counts in the Complaint include breach of contract, declaratory judgment, bad faith, and unfair claim practices. The Complaint seeks damages in excess of \$1,300,000.

Diversity Jurisdiction Under 28 U.S.C. §1332 (a)

[2] Upon information and belief, Plaintiff Central Plains is a North Dakota limited liability corporation organized and existed under the laws of the State of North Dakota and with its principal place of business located at 721 109th Ave. SE., Hannaford, North Dakota.

[3] Defendant Nationwide Agribusiness Insurance Company is an insurance company domiciled in the state of Iowa and with a principal place of business located at 1100 Locust Street, Des Moines, IA 50391.

[4] Plaintiff Central Plains is seeking damages in an amount of at least \$1,300,000.

[5] The above-entitled action is thus a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a), in that the action is between citizens of different States, and the matter in controversy, exclusive of interests and costs, exceeds the sum or value

of \$75,000. The action may therefore be properly removed to this Court pursuant to 28 U.S.C. § 1441.

All Procedural Requirements for Removal Have Been Satisfied.

[6] Plaintiff served the Summons and Complaint on the North Dakota Department of Insurance on September 14, 2018. On September 17, 2018, Defendant's registered agent received via certified mail a copy of the Summons and Complaint from the North Dakota Department of Insurance.

[7] Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely because it is filed within 30 days after the date on which Nationwide first received the Summons and Complaint.

[8] Pursuant to 28 U.S.C. § 1391, venue is proper in the United States District Court for the District of North Dakota because the state court action was commenced and is pending in the District Court of Griggs County, North Dakota, which lies within this federal judicial district.

[9] Pursuant to 28 U.S.C. § 1446(d), upon the filing of this Notice of Removal, Nationwide will file a Notice of Filing of Notice of Removal, along with a copy of this Notice of Removal, with the clerk of the District Court of Griggs County, North Dakota, and will serve copies on Plaintiff by U.S. Mail.

[10] Nationwide is filing all copies of all process, pleadings, and orders served upon it by the Plaintiffs in this action. These materials are attached as Exhibit A and Exhibit B to this Notice.

[11] Nationwide has not attempted to litigate this case in state court or taken any action that could be construed as a waiver of its right of removal.

[12] No waiver and no admission of fact, law, or liability, including without limitation to the amount of damages, if any, is intended by this Notice of Removal. Nationwide hereby reserves all defenses, affirmative defenses, and rights. Nationwide also reserved the right to submit evidence supporting this Notice of Removal if Plaintiff moves to remand this action to state court.

[13] **WHEREFORE**, Nationwide removes this action from the District Court of Griggs County, North Dakota, to the United States District Court for the District of North Dakota, Eastern Division.

Dated: October 4, 2018

/s/ Joseph A. Wetch, Jr.
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